# GOVERNMENT OF INDIA
# HOME AFFAIRS
# LOK SABHA

STARRED QUESTION NO:36
ANSWERED ON:19.07.2016
Illegal Phone Tapping
Roy Prof. Saugata

**Will the Minister of HOME AFFAIRS be pleased to state:**

(a) whether the Government has taken note of reports illegal tapping of phones of several VVIPs including senior politicians, civil servants and corporate czars for years by some presently defunct and operational
telecom companies/operators;

(b) if so, the details thereof;

(c) whether the Government has ordered any enquiry in this regard;

(d) if so, the details thereof and the agency which is enquiring into the matter; and

(e) the steps taken/proposed to be taken to check such incidents in future?

## Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)

(a) to (e): A Statement is laid on the Table of the House.
******

-2-

STATEMENT IN REPLY TO THE LOK SABHA STARRED QUESTION NO.*36 FOR 19.07.2016.

(a) & (b): Yes Madam. A complaint regarding illegal and unauthorized interception, tapping and recording of phone calls of several persons during the years 2001 to 2005, has been received.

(c) & (d): The Government has ordered a preliminary inquiry, to be conducted by the Delhi Police.

(e): Lawful interception / phone tapping can be done by the Law Enforcement Agencies , duly authorized by the Central and State Governments, in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with the foreign States, or public order or for preventing incitement to the commission of an offence as per the provisions contained in the Section 5(2) of the Indian Telegraph Act, 1885 and the procedures defined under Rule 419A of the Indian Telegraph Rules, 1951. Rule 419A lays down procedural safeguards. Standard Operating Procedures for Interception, Handling, Use, Sharing, Copying, Storage and Destruction of records have been issued by the Ministry of
â€¦3/

-3-
L.S.S.Q.NO.*36 FOR 19.07.2016
Home Affairs to the Law Enforcement Agencies. The Department of Telecom has also issued Standard Operating Procedures for Lawful Interception to the Telecom Service Providers.

There is an oversight mechanism to review the orders issued by the competent authority i.e. Union Home Secretary by a committee under the Chairmanship of Cabinet Secretary.

Unlawful interception is a punishable offence under Section 25 and Section 26 of the Indian Telegraph Act, 1885, with imprisonment for a term which may extend up to three years, or with fine, or with both. Also, as per the provisions of Access Service Licence for Telecom Service Providers, the Licensee shall be responsible for ensuring privacy of communication on its network and also to ensure that unauthorized interception of message does not take place.

******